PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

				T				
Applicant's or agent's file reference SO-P2090PC00			rence	FOR FURTHER ACTION See Form PCT/III		See Form PCT/IPEA/416		
International application No.				International filing da	ate (day/month/year)	Priority date (day/month/year)		
PCT/EP2004/053388			3388	10.12.200	4	12.12.2003		
	International Patent Classification (IPC) or national classification and IPC C07F9/48. C07F17/02							
Applica	nt							
	SOLVIAS AG							
1.	 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 							
2.	This R	EPORT consi	sts of a total of	7	sheets, including	ng this cover sheet.		
3.	This re	eport is also ac	companied by A	NNEXES, comprising:	:			
	, >	(sent to t	he applicant and	to the International Bi	uregula total of 91	sheets, as follows:		
	а. 🔼					amended and are the basis for this report and/or		
		she	-		_	ule 70.16 and Section 607 of the Administrative		
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental							
	Box.							
	b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))							
	, containing a sequence listing and/or tables							
	related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).							
4.	This re	port contains	indications relati	ng to the following iter	ms:			
	Box No. I Basis of the report		report					
		Box No. II	Priority					
	\boxtimes			ablishment of opinion with regard to novelty, inventive step and industrial applicability				
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				elty, inventive step or industrial applicability;			
		Box No. VI	Certain doc	uments cited				
		Box No. VII	Certain defe	ects in the international	l application			
	Box No. VIII Certain observations on the international application							
Date of submission of the demand Date of comp				Date of completion of th	nis report			
Name and mailing address of the IPEA/EP					Authorized officer			
Faccimile No.					Tolombono No			

International application No.

PCT/EP2004/053388

Box	No. I	Basis of th	ne report			
1.		regard to the languated under this item	uage, this report is based on the international application in the language in v	which it was filed, unless otherwise		
			ed on translations from the original language into the following language age of a translation furnished for the purposes of:	• ,		
		international	I search (Rule 12.3 and 23.1(b))			
		publication o	of the international application (Rule 12.4)			
			l preliminary examination (Rule 55.2 and/or 55.3)			
2.	2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):					
	\mathbb{A}		pplication as originally filed/furnished			
		the description:				
		pages* 1-73	received by this Authority on	as originally filed/furnished 20.09.2005 with letter of 16.09.2005		
			received by this Authority on			
	\boxtimes	the claims:				
				an ani ainalla. Clad/Gamaiahad		
		nos.		as originally filed/furnished		
		nos.*	as amended (together	20.09.2005 with letter		
			received by this Authority on			
	\Box	'	received by this Authority on			
	Ш	the drawings:				
		sheets		as originally filed/furnished		
		sheets*	received by this Authority on			
		sheets*	received by this Authority on			
		a sequence listing	and/or any related table(s) – see Supplemental Box Relating to Sequence Li	sting.		
3.		The amendments l	have resulted in the cancellation of:			
		the descripti	ion, pages			
		the claims, r	nos.			
		the drawings	s, sheets/figs			
		the sequence	e listing (specify):			
		any table(s)	related to sequence listing (specify):			
4.			een established as if (some of) the amendments annexed to this report and insidered to go beyond the disclosure as filed, as indicated in the Supplement			
		the descripti	ion, pages			
		the claims, r	nos.			
		the drawings	s, sheets/figs			
		the sequence	e listing (specify):			
		any table(s)	related to sequence listing (specify):			
*	If item 4 applies, some or all of those sheets may be marked "superseded."					

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Box No. II	I Non-establishment of opinion	on with regard to novelty, inventive step and industrial applicability		
The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industry applicable have not been examined in respect of:				
because	a:			
	the said international application, or the	ne said claims Nos.		
	relate to the following subject matter v	which does not require an international preliminary examination (specify):		
	the description, claims or drawings (in	dicate particular elements below) or said claims Nos.		
	are so unclear that no meaningful opin	ion could be formed (specify):		
	the claims, or said claims Nos. by the description that no meaningful	opinion could be formed.		
\boxtimes	no international search report has been	a established for said claims Nos. 20		
	the nucleotide and/or amino acid sequ Instructions in that:	ence listing does not comply with the standard provided for in Annex C of the Administrative		
	the written form	has not been furnished		
		does not comply with the standard		
	the computer readable form	has not been furnished		
	the computer readable form	一		
		does not comply with the standard		
		id/or amino acid sequence listing, if in computer readable form only, do not comply with the Annex C-bis of the Administrative Instructions.		
	See Supplemental Box for further deta	ulls.		

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
1.	Statement				
	Novelty	(N)	Claims	1-19	_ YES
					_ NO
	Inventive step (IS)		Claims	1-19	YES
			Claims		
	Industria	l applicability (IA)	Claims	1-19	YES
2.	Citations and	d explanations (Rule 7	0.7)		
2.				novel compounds of formula I, unity	
	_			been established.	
	OT TIIV	vencion na:	5 IIOW	been established.	
	This	renort make	ag ret	ference to the following documents	
		_		cited in the search report:	
	(D), V	viiicii iiave	Deen	cited in the search report.	
	D1:	DREWELIES	K ET	AL: "o- and m- Phenylene-	
		bis(dichl	oroph	osphane)-versatile, useful synthetic	
		building 1	block	s" ANGEWANDTE CHEMIE. INTERNATIONAL	
		EDITION.,	vol.	21, no. 8, 1982, pages 638-639,	
		XP0021922	46 VE	RLAG CHEMIE. WEINHEIM., DE ISSN:	
		0570-0833	•		
	D2:	WO-A-03/0	31456		
	D3:	XP0023237	68 (M	ehring, M.)	
	D4:	WO-A-03/0	48107		
	D6:	DE-A-1005	2391		
	D7:	EP-A-8035	10		
	D8:	WO-A-03/0	93285		
	D9:	EP-A-8421	40		
	D10:	XP-004174	097		
	D11:	XP-004245	864		
	D12:	XP-002160	687		
	D13:	XP-004158	858		

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

D14: WO-A-03/076451

Independent claim 2

By the limitation to ferrocenes, bis(indenyl) ferrocenes and ruthenocenes of the original claim 6, novelty and inventive step can be recognized for independent claim 2 (compound (I)) because D1 does not relate to any sandwich compounds.

Claim 1 relates to the production of compounds (I) and claims 4 and 8 relate to the use thereof: the claims therefore appear to be patentable even as an analogous method in conjunction with a patentable substance claim 2 (see PCT Guidelines III; 13.19).

Independent claim 5:

1,2-bissubstituted ferrocenes are already known from several documents, inter alia in WO-A-00/37478, which is cited by the applicant, as formula (I) in which one of the substituents is phosphino and therefore does not have the following structural element:

-P-X1

X2

This group is, however, generically disclosed in D4, page 9, with formula (Vb).

1,2-ferrocenyl for group Z is anticipated on page 10. Since the preparation of compound (III) according to claim 5 therefore involves at least two selections from D4, inventive step can be recognized.

The same argument applies with regard to D6.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Claims 10, 12, 14, 16 and 18

The novel compounds of these claims (see, with regard to claim 16, for example, D13, compound 10a) are used in the novel and inventive methods according to claims 11, 13, 15, 17 (compound XXVII is compound XXV in these claims) and 19 and are therefore also inventive.

Dependent claims 3, 6, 7, 9, 11, 13, 15, 17 and 19

Dependent claims 3, 6, 7, 9, 11, 13, 15, 17 and 19 relate to further embodiments of the invention. These claims therefore also meet the EPC requirements.

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Supplemental Box				
In case the space in any of the preceding boxes is not sufficient. Continuation of: Box III				
Claim 2	20 has	not	been	searched.